

IHF FOCUS: freedom of expression and media; judicial system and independence of the judiciary; police misconduct; conditions in prisons; religious intolerance; national minorities; returnees and displaced persons; international humanitarian law; social rights; women's rights; rights of the child.

The first six months of 2001 in Bosnia and Herzegovina (BH) were marked by nationalistic attacks against the constitutional order and the Dayton-Paris Peace Agreement. The second half of the year experienced the consequences of the global anti-terrorism coalition formed following the 11 September terrorist attacks in New York and Washington.

During the year, the Croatian Democratic Union (HDZ) made attempts to create a third Croatian entity. Its leadership, chaired by former member of the Presidency of BH, Ante Jelavic, rebelled against the Constitutions of the BH and the BH Federation, demanding amendments to this end. The highest officials of the Roman Catholic Church in BH fully supported the HDZ efforts.

The work of most authorities was characterized by attempts to block the implementation of the Dayton Agreement, the abuse of power, corruption and incompetence. The Office of the High Representative dismissed more than 60 officials, among them Mr Jelavic, as well as former Prime Minister of the BH Federation and the Bosnian Party of Democratic Action (SDA) Vice-President Edhem Bicakcic. Their dismissal, however, did not bring about any notable changes.

Since the November 2000 election, the HDZ obstructed the establishment of governments in the Herzegovina-Neretva Canton and Canton 10 (Livno), while the government in the Una-Sana Canton was formed as late as six months after the elections.

The authorities in the Republika Srpska (RS) attempted to keep control over all public life and to reduce the transparency of their own activities. They blamed others, including the international mediators, for the unsatisfactory situation in the country.

RS Prime Minister Ivanic (Party of Democratic Progress, PDP) appointed numerous Serb Democratic Party (SDS) members to high positions in politics and the economy. In the name of the anti-terrorist campaign, they made the Muslims responsible for the war and post-war situation. Mr Ivanic also threatened to hold a referendum on the possible secession of RS.

The role of the Bosniaks in governmental bodies in the municipalities of Bosanski Samac, Modrica and Vukosavlje in the RS was marginal and was only made possible due to the intervention of the Office of the High Representative (OHR) and of the OSCE.

The laying of the foundation stone for the reconstruction of the destroyed mosques in Trebinje and Banja Luka (in the RS) resulted in serious assaults by Serb ultra-nationalists. RS Prime Minister Ivanic did nothing to prevent the assaults, police conduct was profoundly unprofessional and the International Stabilization Force (SFOR) refused to interfere, stating that it did not wish to contribute to the escalation of violence. Generally, the SDS was largely accountable for violence in the RS.

As a response to violations in Banja Luka and Trebinje, young Islamists gathered in Sarajevo, carrying signs with slogans from the Koran and wearing clothing typical of radical Muslims. The protests were mainly peaceful. A group of young men provoked Serb refugees and displaced persons (IDPs) on the inter-entity line in Sarajevo.

In the course of the year it became clear that the international authorities did not have a consistent strategy for the implementation of the key areas of the Dayton Peace Agreement, e.g. the return of refugees and IDPs, the return of property, physical and legal safety, security and

equality of citizens, and arrest and punishment of war criminals such as Radovan Karadzic and Ratko Mladic. The two Helsinki Committees criticized representatives of the international peacekeeping mission of misconduct and abusing their position in the field. For example, a certain Mr Igor of the OSCE Mission took bribes to resolve housing issues, and Stoja Dabic, an OSCE monitor in Modrica, obstructed the return of Bosniaks to that municipality. Instead of being dismissed, Ms Dabic was moved to another position.

The coming into power of the Democratic Alliance for Changes, which maintained a kind of partnership relation with the international institutions at the state and federation level, did not bring about any visible moves towards the re-establishment of the rule of law. The authorities did not succeed in creating an independent judiciary and a neutral administration that would treat all citizens in an equal manner. The process of harmonizing the Constitutions of the entities with the BH Constitution had not been finalized by the end of 2001. Reforms of the judicial system, police force and media were carried out slowly and in some fields they were completely manipulated by national oligarchies. Despite the support of the international bodies, the Democratic Alliance for Changes was powerless against the SDS, HDZ and SDA because of its heterogeneous composition, individualism and incompetence.

The socio-economic situation worsened: over 60% of the population lived below the poverty line. Unemployed, pensioners and disabled persons formed the most vulnerable social groups. The deteriorating social circumstances particularly affected women, who suffered various forms of discrimination.

The return of refugees and IDS intensified but remained at an unsatisfactory level. Spontaneous return did not have adequately organized support and the safety of returnees could not be guaranteed.

The global anti-terrorism campaign did not result in an open confrontation with the militant Islamists in BH. However, graffiti expressing sympathies with Osama bin Laden appeared and American flags were burned. The Council of Ministers of BH and entity governments immediately engaged in an anti-terrorism campaign, establishing, *inter alia*, a co-ordination body at the state level. However, actions led by SFOR in co-operation with the US Federal Bureau of Investigation (FBI) and the domestic police force to find terrorists were conducted in an irresponsible manner. The Helsinki Committee in BH warned against human rights violations such as unfounded arrests, interrogations, detentions, and the illegal revocation of citizenship in violation of valid legal procedures. It also stated that no one should be extradited to a country where they could face the death penalty or other forms of inhuman or degrading treatment or punishment.

Freedom of Expression and Media

Editorial boards and journalists continued to face pressure, threats and physical attacks. The "Free Media" SOS-line for journalists registered 96 complaints between January and mid-November 2001. The local independent media in particular was suppressed in various ways, while those founded by the municipalities and Cantons were loyal to local authorities and their professional standard was low. Trade unions either were not organized to deal with situation of journalists or were manipulated by employers. No progress was made in the nation-wide organization of journalists.

The process of issuing long-term licences to electronic media in BH continued. However, the Regulatory Communication Agency refused to issue such licences to a number of radio and TV stations.

The Helsinki Committee in BH pointed out both to the OHR and to the public that the reformation process of the RTV BH and

the radio-television broadcasting system of BH was very slow and inadequate, mainly due to poor work by foreign mediators. Radio of the BH Federation and Federation TV started to operate on two channels, and a decision was made to appoint a management for the Public Broadcasting system at the BH level (PBS).

The BH Press Council started to work as a self-regulating organization with the aim of reviewing the principles of the Press Code, adopted in April 1999.

A media war between Bosniaks and Croats raged in Mostar. Furthermore, all electronic and print media in this territory were under the control of the HDZ. In the Una-Sana Canton, media outlets were divided between the SDA and the Democratic National Union (DNU).

- ◆ Croatian Radio Tomislavgrad (Tomislavgrad) was fined for spreading intolerance against others and against the International Peace Mission.

- ◆ The Croatian RTV's (Mostar) licence was suspended for 90 days for inciting nationalism.

- ◆ Former editor-in-chief and deputy editor-in-chief of the daily *Oslobodjenje* were charged with allegedly abusing their positions.

The majority of the media in the RS were under the control of local authorities or political parties. This became particularly obvious in the dismissal of the Director of the SRNA news agency, Dragan Davidovic and its multi-ethnic steering committee. The only independent media in the RS was Zeljko Kopanja's daily *Nezavisne Novine*. RTVRS hardly covered Serb extremism at all, while RTV Sveti Georgije in Banja Luka advocated violence during the ceremony of laying the foundation stone for the Ferhat Pasha mosque in Banja Luka. Its licence was suspended for 90 days. The daily *Glas Srpski* was influenced by the SDS.

Independent journalists or those reporting on criminality, corruption and traf-

ficking were subjected to threats and assaults. According to the OSCE telephone hotline, 35 journalists in RS reported that they had received threats by telephone and were otherwise under pressure. The newly adopted RS Law on Access to Information did not facilitate the work of journalists.

- ◆ The OSCE Mission asked the Bosniak member of the Presidency, Halid Genjac, to discipline his advisor Ademir Jerkovic, who had verbally pressured Emir Felic, journalist with the BH Press, demanding him to give more attention to Jerkovic in their news.

- ◆ A powerful explosive device was thrown into the apartment of Zoran Sovilj, a journalist of *Kozarski vjesnik*, in Prijedor on 20 November. Nobody was injured, but there were substantial material damages. It was believed that the attack was linked to Sovilj's articles on different scandals in Prijedor, some of them related to illegal prostitution and trafficking in women. Prior to the attack he had received public and telephone threats.

- ◆ Journalist Ljuba Dikic was threatened to be lynched after her son, Ivica Dikic, a journalist himself, had written in the Croatian independent weekly *Feral Tribune* about the situation and people in Mostar.

- ◆ The driver and bodyguard of Mostar's Mayor, Neven Tomic, who was later excluded from the HDZ, attacked and threatened a RTV Mostar team after Mr Tomic was asked for a statement.

- ◆ A Belgian TV crew was assaulted near Pale. Their camera was taken, together with a tape on indicted war criminal Radovan Karadzic.

- ◆ Biljana Bokic, a journalist of *TV Trebinje* (RS), was intimidated and threatened after having written two articles about a socially endangered and handicapped citizen.

The state and public institutions did not have an adequate mechanism for supply-

ing information. On the other hand, it also appeared that editorial boards and journalists were still not aware of their right of access to information and the opportunities connected with this right.

Judicial System and Independence of the Judiciary

The police and judicial authorities in the RS and the Federation were under the control of the nationalist parties SDS, HDZ and SDA whose authorities abused their power.

The President and one of the Vice-Presidents of the BH Constitutional Court followed the policy of the nationalistic parties. The professional dignity of the Constitutional Court was defended primarily by its three international members (French, Austrian and Swedish) and the former President of the Court, the Bosniak Kasim Begic. In the meantime, the situation in the BH Supreme Court improved after it had hired experts and professionally independent persons.

The Sarajevo Canton displayed the most progress in the operation of courts after appointing to office Amir Jaganjac, the President of the Cantonal Court in Sarajevo. The courts began initiating proceedings in cases involving organized crime and corruption. However, the malfunctioning of the Prosecutor's Offices impeded the processing of cases due to political pressure exerted by the nationalist parties.

The courts in the Herzegovina-Neretva Canton had a large backlog of cases. Nonetheless, the judges were appointed by the SDA and the HDZ. The two parallel systems evident in the judiciary and law enforcement process – led by SDA and HDZ authorities, respectively – could be seen by the fact that the Bosniak and Croat judges and police officers received their salaries from different sources.

Anyone who disagreed with the policy of the SDA in the Una-Sana Canton could not exercise their rights before the courts.

For example, 12 teachers in Cazin and Velika Kladusa were illegally dismissed but were unable to take their cases to court for two or three years.

Police Misconduct

Discriminatory actions, lack of minority protection and abuse of authority were common in the police force throughout the BH territory. Corrupt police officers were involved in the trafficking in human beings, prostitution networks and drug dealing. Even the International Police Task Force (IPTF) officers were part of such activities and 22 of them were returned to their home countries. In addition, numerous local police officers lived illegally in apartments or houses belonging to refugees or IDPs.

In the RS and Western Herzegovina, the police forces had not undergone any transition into law enforcement bodies that abide by legal and international standards. For example in the RS, police officers failed to protect returnees and did not follow legal proceedings to apprehend perpetrators of violence against ethnic minorities.

An example of positive policing and cooperation occurred on the territory of Sarajevo and Srpsko Sarajevo. The professional and prudent conduct of the Deputy Minister of Interior Affairs of Sarajevo Canton, Predrag Kurtes, prevented a potential tragedy caused by the serious provocation of Serb extremists.

Conditions in Prisons

There were 14 penal institutions in BH, eight in the BH Federation² and six in the RS³. The prison administrations and staff were familiar with international regulations on the treatment of prisoners and no serious cases of inhuman treatment of prisoners were registered. However, the inmates complained of poor physical conditions, bad quality of food, and the lack of pardon and amnesty. Regular visits by the IPTF

contributed to better respect of regulations and prisoners' rights.

Most prisons did not meet the minimum physical conditions for accommodation. Not only were the buildings in very poor condition, but the facilities were also overcrowded, particularly those in the BH Federation. Local monitors feared the spread of infectious diseases unless the conditions improved soon. In 2001, only a few cases of HIV or tuberculosis were registered.

Overcrowding resulted in long-term prisoners being accommodated in the same wards as short-term inmates and juvenile delinquents, contrary to international standards. Discontent took the form of hunger strikes, riots and self-mutilation: in Mostar, inmates protested their sentences with several hunger strikes; in Banja Luka, several detainees mutilated themselves in protest against the investigation procedure; and in Foca/Srbinje and Zenica, prisoners climbed onto the prison roof to express their discontent with inadequate conditions and the lack of pardon and amnesty.

Cases of homosexual abuse by co-inmates were reported in the prison of Zenica. It was difficult, however, to establish how widespread the problem was, as both inmates and prison staff were reluctant to speak about it.

Religious Intolerance

The reconstruction of mosques and Catholic churches was a sign of the beginning of normalisation in inter-religious relations in RS. However, the resistance of Serb extremists against this process was expressed in Banja Luka and Trebinje: some 2,000 people attempted to prevent the second attempt to lay a foundation stone for the reconstruction of the Ferhat Pasha mosque in Banja Luka. Their main targets were Bosniaks, religious believers, Bosniak politicians, diplomats, international representatives and journalists. The Helsinki Committees in BH and Serbia and the IHF

issued a joint press release emphasizing the inability of the RS to guarantee the respect for human and civil rights of all its citizens.⁴ Three thousand police officers, who were on the spot, only barely managed to prevent a disaster. Later, it was necessary to post police officers to protect the foundation stone. In addition, some Catholic priests opposed the reconstruction of a mosque in Stolac.⁵

There were no problems with laying a foundation stone for the Catholic Church in Plehan (RS) several days later.

In the RS, the Serb Orthodox Church was treated as a state institution and an official religion. In practice, it supported Serb nationalism. Similarly, in the territory controlled by the HDZ, Croat war criminals were glorified.

The representatives of the three main religious communities in BH (Muslims, Orthodox and Catholic) were involved in political events supporting the three national parties (SDA, SDS and HDZ, respectively). It was clear that the Inter-Religious Council, consisting of the Catholic, Islamic, Jewish and Orthodox religious communities, acted only formally as regards re-establishing inter-religious confidence.

The Serb Orthodox Church enjoyed a religious monopoly in the RS and had the status of state religion, in violation of the BH Constitution. The Roman Catholic Church played the role of spiritual, ideological and political mentor for Croats living in BH. The mosques turned into gathering places of SDA activists, spreading imported Islamic radicalism.

Religious extremism took place particularly during religious holidays and political tension. The most serious assaults occurred in Banja Luka and Trebinje (RS). In Turici near Gradacac (BH Federation), a Catholic priest and a returnee were physically assaulted, a Catholic cathedral (Sarajevo) was attacked twice within a short space of time; and Muslims insulted and spat at Catholic theology students.

National Minorities

Roma Minority

The rights of minorities were drastically violated in the RS where the Roma were the most vulnerable of all national minorities. During the war, they either fled or were evicted, but started to return over the past two years. However, their return has been made very difficult due to lack of support on the part of the RS authorities and their reluctance to return Roma property.

All Roma were evicted from Banja Luka during the war. The settlement of Veseli Brijeg, that used to accommodate some 800 persons, was completely destroyed. Similarly, the village of Jasenje (Ugljevik municipality in RS) was demolished in its entirety. In Bijeljina, large houses owned by Roma were taken over by the military and municipal institutions that have been reluctant to give back the houses to the returning legal owners.

None of the 176 Roma children in Modrica attended school (although elementary school education was obligatory), while in Bijeljina only six Roma children went to elementary school and none of them to secondary school.

Returnees and Displaced Persons

The return of people and property, and their reception by others remained the key human rights issues in BH.⁶

The number of returnees to the BH Federation was twice as high as that to the RS. According to the UNHCR, in the first eleven months of 2001, 87,181 citizens of the BH Federation returned to BH of which 69,969 were displaced persons and 17,212 refugees (67,445 people in total had returned during 2000). 45,479 Bosniaks returned (41,089 displaced persons and 4,390 refugees), 32,243 Serbs (23,768 displaced and 8,475 refugees), 8,571 Croats (4,839 displaced and 3,732 refugees), and 888 others (615 refugees and 273 displaced persons). In this period,

48,222 people (35,349 displaced persons and 12,873 refugees) returned to the BH Federation, 36,645 (32,306 displaced and 4,339 refugees) to the RS, and 7,824 displaced persons to the Brcko District.

From 1996 to the end of November 2001, 811,095 citizens returned in total. That number included 519,788 Bosniaks (259,595 displaced and 260,193 refugees), 176,129 Serbs (129,641 displaced and 46,488 refugees), 109,163 Croats (34,399 displaced and 74,764 refugees) and 6,015 others (1,672 displaced and 4,343 refugees). 623,941 citizens in total returned to the BH Federation, only 179,330 returned to the RS, and 7,824 to the Brcko District. 433,295 Bosniaks, 102,411 Croats, 83,268 Serbs and 4,967 others returned to the Federation BH. 92,600 Serbs, 79,781 Bosniaks, 5,903 Croats and 1,048 others returned to RS. 6,714 Bosniaks, 849 Croats and 261 Serbs returned to the Brcko District.

227,798 refugees returned in an organized manner through the assistance of the asylum countries. As of the end of 2001, there were still about 1.2 million BH citizens outside their pre-war homes. Throughout the world there were more than 600,000 with refugee status, while in BH there were more than 500,000 displaced persons. In addition, there were approximately 50,000 refugees in BH.

The RS resisted returnees most strongly. According to information from the Catholic Church, there were about 8,500 Croats out of 220,000 pre-war inhabitants in the RS. Prior to the war, there were 30,000 Croats living in the area of Banja Luka, but as of the end of 2001 their numbers had decreased to only around 3,000. In the area of Srebrenica where roughly 10,000 Bosniaks had been massacred and others expelled, only 352 Bosniak families had returned. Only 32 of these families returned to the town itself.

The returnees to North-East Bosnia experienced the first snow in 296 tent settle-

ments, as well as in hundreds of ruins, containers, and sheds. About 10,000 people were believed to be lacking food, clothes, medication and firewood. In many locations, donated building material went to ruins since the majority of returnees were neither in good health (mostly elderly persons) nor professionally or materially in the position to use it. All this showed that neither the authorities nor international organizations in charge systematically followed up the issue of return and returnees.

252,949 claims for repossession of property had been filed in total in BH by 30 November 2001. In 63% of claims, decisions were passed and property was returned to 39% of the applicants. In the BH Federation, a total of 129,995 claims for repossession of property were filed and decisions were passed in 78% of the cases; in 48% of them property was returned. In RS, out of 116,069 cases, 47% were resolved, and only in 29% of the cases was property returned to the owners. In the District of Brcko, the total number of claims was 6,885, in 42% of the cases decisions were passed and property was returned in 36% of the cases.

The international mediator for BH, Christian Schwartz Schilling, and the Minister for Refugees and Displaced Persons in the RS, Mico Micic, stated that the RS is three years behind the BH Federation as regards the enforcement of property laws.

Throughout BH, nationalistic local authorities were quick to hand down positive decisions in cases where the returning refugees and IDPs were of the majority national origin. In the RS, Serb returnees were given much land free of charge. The OHR issued a provisional ban on the construction on land whose ownership had not yet been regulated, as many lots originally belonged to Bosniak families (e.g. in Kotorsko, Bijeljina and Janja). However, the practice continued despite the ban. In a similar manner, apartments and houses were returned primarily to families who

had settled in the BH Federation or abroad and were willing to rent or sell them to Serbian IDPs. No property was returned to so-called "floaters", i.e. Bosniak families who had not left the region of their own will but were expelled from their flats or houses during the war. There were 50 "floater" families in Banja Luka, and 30 in Bijeljina. Although the RS Ministry for Refugees and Displaced Persons promised to resolve these cases by the end of September, they failed to do so.

◆ The most serious violent incident against returnees occurred on 11 July in the village of Piskavica (municipality of Vlasenica, RS). Sixteen-year-old Meliha Duric, who had returned after nine years of refugee life was shot dead in her home: one of the bullets shot at the house hit her neck. The police failed to apprehend the perpetrator.

International Humanitarian Law

Co-operation of the countries of the former Yugoslavia with the International Criminal Tribunal for the Former Yugoslavia (ICTY) in The Hague improved somewhat, but still remained unsatisfactory.

In the RS, the National Assembly adopted the Law on Cooperation with the ICTY in September 2001, committing itself to cooperate with the ICTY and to apprehend war crimes suspects, as provided by the Dayton Peace Accord. RS Prime Minister Mladen Ivanic stated that "now the judicial authorities of RS will be ready to arrest and extradite to the ICTY also former President of RS, Radovan Karadzic, and former Commander of the RS Army, Ratko Mladic". At the same time, the ICTY Prosecutor's Office stated on several occasions that the RS authorities did not co-operate with the Tribunal and that the police in the RS had not arrested one single war criminal.⁷

The nationalist parties SDS and HDZ continued spreading negative attitudes to

wards the ICTY, and especially opposed the arrest of Croat and Serb indicted war criminals whom they glorified as national heroes. The HDZ even organized various actions to raise money for Croat prisoners in The Hague, including a special tax charged to all Croat employees on the territory controlled by the HDZ.

The ICTY stated that 26 indicted war criminals were hiding in the RS. Its Chief Prosecutor, Carla Del Ponte, also frequently criticized the passivity of SFOR in apprehending war crimes suspects. The ICTY refused SFOR's allegation that they did not know where Mr Karadzic and Mr Mladic were. The failure to arrest the key war criminals contributed directly to radicalism among nationalists and discouraged the return of Bosniaks, Croats and Roma to the RS. There was no response to the demand of the Chief Prosecutor that a special team for the arrest of war crimes suspects be established within the SFOR.

- ◆ Former Colonel of the Zvornik Brigade of the RS Army and later its Commander, Dragan Obradovic, was arrested by SFOR and delivered to the ICTY. He was charged with "taking part in organizing and realizing acts aimed at capturing, shooting and burying more than 5,000 Bosniak men and young boys from the enclave of Srebrenica." Bosnian Serb Lieutenant Colonel Vidoje Blagojevic was also arrested by SFOR and delivered to The Hague: he was charged with genocide, crimes against humanity and violation of laws and customs of war in the territory of Srebrenica.

- ◆ The first Commander of the Army of BiH, Sefer Halilovic, voluntarily surrendered to the ICTY. He was charged with violations of the laws and customs of war.

Several trials were held at the ICTY against persons charged with serious war crimes in BH.

- ◆ They included the Bosnian General Radoslav Krstic who was sentenced to 46

years imprisonment for massacres and persecution of Bosniaks in July 1995 in the area of Srebrenica (the first sentence pronounced for genocide by the Hague Tribunal); Bosnian Serbs Dragoljub Kunarac, Radomir Kovac and Zoran Vukovic, who were sentenced to 29, 20, and 12 years of imprisonment, respectively, for the systematic rape of Bosniak women, their forceful detention and sale (the first sentence by the Tribunal for systematic rape as a war crime); Bosnian Croats Dario Kordic and Mario Cerkez who received sentences of 25 and 15 years in prison respectively for crimes against humanity, committed in the Bosnian village of Ahmici; and Bosnian Serbs Zoran Zigic, Mladjo Radic, Miroslav Kvočka, Milojica Kos and Dragoljub Prcac, who were sentenced to 25, 20, 7, 6 and 5 years in prison, respectively, for war crimes and crimes against humanity committed in the Omarska camp near Prijedor where more than 3,300 Bosniaks and Croats were detained. In the last case, the Association of Camp Prisoners of BH and Families of Victims criticized such lenient sentences.

Some trials took place in BH against persons accused of having committed war crimes.

- ◆ The Cantonal Court in Mostar acquitted Croat Zeljko Dzidic and three others from charges of committing war crimes against Bosniak prisoners of war and civilians. In another decision, the Court acquitted Bosniak Dervo Dziho and two others from charges of having committed war crimes against Croat civilians in the territory of Mostar. The Bosnian Serb Miroslav Pandurevic was also acquitted from charges against Bosniak civilians.

- ◆ The Cantonal Court in Mostar sentenced the Bosniak Mirsad Cupina to four and a half years imprisonment for war crimes against Croatian civilians in 1993. In the same case, nine other Bosniaks were sentenced to shorter prison terms and two persons were acquitted of the charges.

The Cantonal Court in Sarajevo sentenced Bosnian Serb Dragan Stankovic to ten years in prison for the rape of Bosniak women, persecution and ill-treatment of Bosniaks.

Missing Persons and Exhumations

Six years after the war, the issue of missing persons was still not concluded. This was mainly due to the lack of will on the part of the BH authorities, particularly in the RS as well as in Yugoslavia, to search for mass graves. The International Committee of the Red Cross had information about 17,500 BH citizens who were still missing. The State Commission for the Search of Missing Persons cited a higher number of 27,719 persons.

More than 12,000 bodies were exhumed by the end of 2001, with approximately 5,000 remaining. In eastern Bosnia around 1,000 Bosniak corpses were exhumed. In the municipality of Prijedor, in the largest mass grave of all time in Jakačina, 373 corpses were exhumed while the work was scheduled to be continued in spring 2002. An anonymous letter from a Bosnian Serb directed attention to the mass grave near Foca with the remains of around 80 Bosniaks.

The RS Commission for the Search of Missing Persons criticized the authorities of the BH Federation for trying to conceal crimes committed against Serbs - particularly referring to the localities of Kazani and Lav in the surroundings of Sarajevo.

Social Rights

The Council of Ministers prepared an economic strategy plan to revive the social and economic stability of the country which was first destroyed by the war, then by postwar profiteering, misuses in the privatization process of former socialist property, the power wielded by party oligarchies over the country's wealth, abuse on the black market, corruption and organized crime. However, the implementation of this strat-

egy was blocked by political conflicts and other interests. The same problem also reigned on the entity level. The Law on Restitution was not passed even though it was a precondition for the economic reform of the country. The instable political situation and legal insecurity discouraged foreign investors.

The unemployment rate in the RS in 2001 was over 40%. According to the Independent Bureau for Humanitarian Issues (IBHI), over 60% of the BH population lived below the poverty line, having only 0,60 KM (0.31 Euro) per day. Many people had become beggars, some eating food rests or visiting the few public kitchens. Pensioners, families of killed soldiers as well as disabled persons were in the most vulnerable position. Legal regulations discriminated against retired returnees, an injustice criticized by the Helsinki Committee of BH.

The Ombudsmen of the BH Federation sharply criticized the federal and cantonal authorities for not helping the 54,000 workers who had not received their final salaries and had been stripped of the right to health and pension insurance and indemnification whilst being unemployed. Many strikes were organized throughout BH to protest abuses in the privatization process and delays or failures in the payment of salaries. Many companies did not pay contributions to their employees' pension and health insurance. Most trade unions could not properly defend the rights of their members as they were under political influence.

Non-Serbs were not hired for public posts at the entity or municipal level in the RS, nor could they generally work in educational and medical institutions or the judiciary. Bosniaks and Roma were particularly affected: The judiciary of the RS employed only two Croats (in Banja Luka) and one Bosniak (in Dobojo).

As the authorities in the RS did not provide health insurance for Bosniaks, and the

work of eight clinics of the Muslim humanitarian organization Merhamet were suspended, the health situation of Bosniaks became increasingly precarious. The Federation authorities thus offered them support pending the final resolution of the problem.

Teachers of elementary and secondary schools as well as employees in the health sector announced several strikes in the RS if their requests for higher salaries and better working conditions were not fulfilled.

Women's Rights

The poor economic situation had a stark impact on the position of women in working life, determining the type of jobs available and their salaries. A survey in Banja Luka (RS) showed that women with low or no qualifications could find a job more easily than those with high qualifications.

The presence of women in political life was stimulated by the regulation, establishing that electoral lists must consist of at least 30% of women candidates. The activities of international institutions and associations have encouraged a broader engagement of women in politics and economic affairs.

The problem of domestic violence against women increasingly became a topic for public debate. The Helsinki Committee of BH was engaged in establishing legal norms for the correct conduct by the police force and judiciary towards women.

A telephone hotline for victims of violence was established and it provided help to women who had been ill-treated by their husbands or partners. However, most women remained silent about the fact that they had been abused.

There were several associations helping women who had been affected by the war. They offered i.a. group therapy to assist women back to normal life.

Trafficking in women and the expansion of prostitution were serious problems. Young girls, mainly from Eastern Europe

and the former Soviet Republics were sold to nightclubs through organised channels and were forced into prostitution. Local police and the UN Mission in BH (UNMBiH) carried out a number of raids in nightclubs to find such girls. Some of them were staying in the RS illegally. Generally, those found were returned to their countries of origin. There were indications that local police officers and members of some international organisations such as the IPTF were involved in this kind of business.

◆ In November, an owner of a nightclub in Prijedor (RS) was sentenced for illegal trafficking in women and organised prostitution. This was the first sentence for trafficking in women in the RS.

Rights of the Child

The state of permanent political polarisation as well as the extremely difficult economic and social situation, also created an atmosphere of despair amongst young people. More than 60% of young people in both entities expressed their wish to leave the country.

Various actions were undertaken to bring together youths from different national origins and to put an end to the policy of national and religious exclusion. However, the education system in BH was also based on the concept of segregation, using curricula imported from Croatia and Serbia and supporting the principle of ethnic and religious division. An increasing number of teachers' strikes affected the atmosphere among pupils and the quality of instruction. The curricula were inappropriate to the needs of the time and the teaching technology was obsolete. The majority of returning children received education according to curricula that did not respect their own ethnic origin, religion or language. The children from the BH Federation could not participate in or continue education in the RS because of differences in school curricula: to attend a regular school, they first had

to pass an exam and could continue education only the following school year.

◆ The District of Brcko attempted to create Serb supremacy in the education system and promoted the segregation of Serb, Croatian and Bosniak children in schooling. Also Croat parents supported the separation of children. The International Supervisor for Brcko, Henry Clark, imposed the Law on the Education System for primary and secondary schools, but Serb representatives in the District Assembly rejected the proposal to provide education in three languages (Bosnian, Serbian and Croatian) on the basis of the ethnic origin of the teacher.

◆ In the Cantons of Una-Sana and Gorazde, Islam was a compulsory subject for all pupils.

◆ The schooling system in Mostar was divided into Croatian and Bosniak sectors.

Those children whose parents held political opinions deviating from those of the ruling party in the region were subject to attacks.

Thanks to the activities of NGOs, including the Helsinki Committee for Human Rights in BH, the problems of physical,

mental and sexual violence against children were increasingly subject to public discussion. The governmental authorities also paid more attention to the problem, but their engagement was insufficient. The SOS telephone line helped both to save some children and to bring the topic to the attention of the media.

Juvenile delinquency and prostitution increased, and there was a lack of institutions for their re-socialization. A rapid spread of drug abuse and criminality was a problem even in primary schools. Many children suffered from behavioral deviations, which were often a result of either a war trauma or the difficult economic and social situation in the country. For the same reasons, the number of suicides among young people increased.

The Helsinki Committee for Human Rights organized, with the assistance of the Norwegian Helsinki Committee, the School for Human Rights for Young People, attended by 16 high-school students from nine BH cities. The Committee was particularly engaged in establishing a corresponding legal infrastructure to protect the rights of children and young people.

Endnotes

¹ Based on Helsinki Committee for Human Rights in Bosnia and Herzegovina, *Report on the State of Human Rights in Bosnia and Herzegovina, January-December 2001*, and Helsinki Committee for Human Rights in Republika Srpska, *Annual Report on the State of Human Rights in Republika Srpska*.

² In Zenica, Tuzla, Bihac, Mostar, Sarajevo as well as facilities in the Busovaca Department of Tomislavgrad, in the Ustikolina Department of Sarajevo and Orasje Department of Tuzla.

³ In Banja Luka, Bijeljina, Doboj, Foca/Srbinje, "Kula"/Srpsko Sarajevo and Trebinje.

⁴ IHF, the Helsinki Committee in Bosnia and Herzegovina and the Helsinki Committee in Serbia, "Condemnation of Recent Chauvinist Riots in Banja Luka and Trebinje", 9 May 2001, at www.ihf-hr.org/appeals/010509.htm

⁵ All Muslim religious places of worship were destroyed during the conflict between Croats and Bosniaks in 1993.

- ⁶ See also the press release and report by the IHF, the Helsinki Committee for Human Rights in Bosnia and Herzegovina and the Helsinki Committee for Human Rights in Republika Srpska, "IHF Fact-finding mission to Eastern Bosnia About the State of Refugee Return," 10 May 2001, at www.ihf-hr.org/appeals/010510.htm
- ⁷ See also the press release by the IHF, the Helsinki Committee for Human Rights in Bosnia and Herzegovina and the Helsinki Committee in Republika Srpska, "Appeal by the International Helsinki Federation for Human Rights (IHF), the Helsinki Committee for Human Rights In Republika Srpska and Helsinki Committee for Human Rights in Bosnia and Herzegovina," 16 July 2001, at www.ihf-hr.org/appeals/160701.htm